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Chairman: Mr. Al Bayati ..... (Iraq)

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* Items which the Committee has decided to consider together.

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The meeting was called to order at 10.15 a.m.

Agenda item 65: Elimination of racism and racial discrimination

(b) Elimination of racism and racial discrimination (A/61/18, Supp. No. 18, A/61/186, 260 and 335)

(c) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/61/337)

Agenda item 66: Right of peoples to self-determination (A/61/333 and 341)

1. **Mr. Mokhiber** (Officer-in-Charge of the New York Office of the United Nations High Commissioner for Human Rights) introduced the following reports under agenda item 65: the report of the Committee on the Elimination of Racial Discrimination (A/61/18), the report of the Secretary-General on the financial situation of the Committee on the Elimination of Racial Discrimination (A/61/186) and the report of the Secretary-General on the status of the International Convention on the Elimination of All Forms of Racial Discrimination (A/61/260).

2. The number of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination had reached 172 and the number of States that had accepted the submission of individual communications to the Committee on the Elimination of Racial Discrimination had risen to 49. He reviewed the work of the Committee during its sixty-sixth and sixty-seventh sessions, which had included its adoption of the Declaration on the prevention of genocide and of the General Recommendation on the prevention of racial discrimination in the administration and functioning of the criminal justice system. It had also discussed treaty-body reform and had recommended the establishment of a single body to deal with individual communications.

3. Information on steps taken to implement the Durban Declaration and Programme of Action had been submitted by 24 countries. At the regional level, the European Monitoring Centre on Racism and Xenophobia had reported shortcomings in data collection by Member States, in the recording of incidents and monitoring of progress to overcome obstacles to racial equality in employment, housing and education, and in tackling racist violence. The Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action had recommended that the Committee on the Elimination of Racial Discrimination should conduct a further study on possible measures to strengthen implementation by updating its monitoring procedures.

4. Introducing, under agenda item 66, the report of the Secretary-General on the universal realization of the right of people to self-determination (A/61/333), he said that the General Assembly's request that the Commission on Human Rights should continue to give special attention to the violation of human rights — especially the right to self-determination — resulting from foreign military intervention, aggression or occupation had been referred to the Human Rights Council. The Secretary-General's report (A/61/333) outlined the relevant jurisprudence of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights on the relevant treaty-based human rights, and the recent United Nations Declaration on the Rights of Indigenous Peoples, adopted by the Human Rights Council at its first session, recognized the right of indigenous peoples to self-determination.

5. **Mr. Diène** (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance), introducing his report (A/61/335), said that efforts to combat racism, racial discrimination and xenophobia were currently encountering major challenges. He noted the growth of racist and xenophobic violence, including actions by neo-Nazi and nationalist groups, such as the murder in Belgium of a Malian woman and a white child she was accompanying, and that of members of ethnic minorities in the Russian Federation. The legitimization of racism and xenophobia was evident in the increase in racist and xenophobic platforms and, even more alarmingly, their institutionalization through Government alliances with leaders of openly racist political parties, giving the latter access to and control of key ministerial departments.

6. The intellectual and ideological legitimization of racism and xenophobia was manifest in the growing number of publications which, on the pretext of defence of national identity and security, gave a racial slant to economic, social and political problems and was particularly pernicious, since all forms of racism derived, first and foremost, from intellectual and cultural ideas. The concept of freedom of expression

was being given precedence over the other freedoms and constraints set forth in the International Covenant on Civil and Political Rights. The result was open incitement to racial and religious hatred.

7. Another serious trend was the criminalization of immigration and asylum issues, making the immigrant, the asylum-seeker and the foreigner the main victims of racism and xenophobia. There was, also, the growth of defamation of religions, including anti-Semitism, Christianophobia and Islamophobia, and the imbalance between the defence of a secular State and respect for freedom of religion, not to mention the security pretext and the monitoring of religious practice and teaching.

8. The problem currently emerging justified his sounding the alarm, as he had already done, to the General Assembly and the Human Rights Council. The resurgence of racism, xenophobia and intolerance posed the gravest threat to democratic progress and the peaceful coexistence of multicultural societies. It was incumbent on all relevant United Nations bodies to take robust measures to combat racial discrimination. His recommendations contained in the report before the Committee and in his previous reports were intended to contribute to that obligation.

9. His main proposals touched on the need for the political will to combat the legitimization of racism, xenophobia and intolerance, as well as racist and xenophobic platforms, and for Member States to recommit to the Durban Declaration and Programme of Action, implementation of which should be assessed at a series of regional conferences, involving all stakeholders, that would also develop specific regional programmes. He further recommended that treatment of matters relating to immigration, asylum and foreign and ethnic minorities should be anchored in international law and the relevant international human rights instruments.

10. Democratic, egalitarian and interactive multiculturalism should be based on two connected ideas: promotion of dialogue and mutual understanding among communities, boosted by the promotion of cultural, ethnic and religious diversity. Systematic efforts were needed to counteract racial and religious hatred, to find a careful balance between a secular State and freedom of religion and to recognize the complementarity between freedom of expression and freedom of religion. Highlighting concerns about racism in sports, especially football, he congratulated the German Government on its political resolve to control the situation during the recent World Cup event, at which no racist acts or incidents had been reported.

11. During his visits to Member States, he had found that, while the economic, social and political weight of racism was very present in Brazil, the Government had demonstrated the political will to combat those problems. In Switzerland, the impact of xenophobic political platforms and the criminalization of some aspects of immigration and asylum were major obstacles to a multicultural Swiss society. An insular and hierarchical society in Japan did not recognize its racist and xenophobic history and resisted growing multiculturalism, while in the Russian Federation the growth of racist and xenophobic violence posed a very real threat to democracy. In Italy, however, the current Government had taken various measures to reverse the legal and political xenophobic heritage bequeathed it by its predecessor. The new legislation on nationality and the creation of ministerial departments for solidarity and equal opportunity should end the criminalization of immigration and asylum and promote a more human rights based approach to migration.

12. **Ms. Halabi** (Syrian Arab Republic) particularly commended the Special Rapporteur on his report on the situation of Muslim and Arab peoples in various parts of the world (E/CN.4/2006/17) and the difficult challenges they had had to face since 11 September 2001. She endorsed his views on the importance of political will and the need for States to respect multiculturalism, refrain from linking the fight against terrorism to the religion of Islam, and balance freedom of expression and freedom of religion.

13. She wondered whether the Special Rapporteur could suggest a solution to the situation in which States claiming to be democratic without respecting democracy had never implemented his recommendations with the result that, five years after the Durban Conference, its recommendations were still ignored. And yet such States invoked human rights simply to create a standardized, uniform society, which merely resulted in increased racism and xenophobia instead of overcoming those evils.

14. **Ms. Kalamäki** (Finland), speaking on behalf of the European Union, reiterated its firm commitment to combating racism, xenophobia and intolerance. The

fight against all forms of discrimination posed a serious challenge that called for national, regional and international action. She asked what important short-term and long-term measures Member States could take to strengthen the link between the fight against racism and the construction of egalitarian, democratic and interactive multiculturalism. She would also like to know whether the Special Rapporteur had noted any positive developments regarding impunity for acts motivated by racism, to which he had referred in his report (A/61/335, para. 2).

15. **Mr. Al-Muqhim** (Saudi Arabia) said that respect for human rights must go hand in hand with visible neutrality. The individual became the victim of political interests when human rights were used for political ends. Since respect for human rights was necessarily linked to an individual's economic and social development, the developed countries that were in a position to do so should take steps to bridge the development gap between the developed and developing countries in order to meet essential human needs and enable individuals genuinely to enjoy their human rights.

16. One of the principles of respect for human rights was respect for each society's cultural, social and religious characteristics. Politics should not be used as a pretext for interference in the private aspects of a society in order to impose ideas that excluded those who were different. Any debate on the issue must stress the need to highlight common human principles; despite religious, cultural and national differences, all human beings shared a host of characteristics, and dialogue could help bridge the gap that separated them. He would like to know what measures had already been taken along those lines in order to eradicate contemporary forms of racism, xenophobia and intolerance.

17. **Mr. Nikiforov** (Russian Federation) said that racism currently affected virtually all societies, including the most developed. His Government recognized the need to combat racism and was open to dialogue and cooperation with international human rights mechanisms, as had been shown in June 2006 during the visit by the Special Rapporteur to the Russian Federation. Upon request, his Government had submitted supplementary information, including on federal and regional programmes to combat racism and intolerance. He recalled the Special Rapporteur's statement in the Human Rights Council that the Russian Federation did not have any Government-sponsored policy of racism. His delegation would consider carefully the Special Rapporteur's recommendations and take steps to resolve any remaining issues.

18. Given the growth of racism in the world, his Government was taking steps to adapt its legislation to current realities. It had also put forward a draft resolution on the issue before the Committee and would be doing so again at the current session. Lastly, the Special Rapporteur's recommendations were in line with the measures currently being taken by the Russian Federation.

19. **Mr. Takase** (Japan) said that his delegation fully shared the concerns expressed by the Special Rapporteur regarding violence, xenophobia and racism. His Government had welcomed the visit of the Special Rapporteur to Japan. Concerning the report on the mission to Japan (E/CN.4/2006/16/Add.2 and Corr.1), he drew attention to the detailed comments in the note verbale dated 30 May 2006 from the Permanent Mission of Japan to the United Nations Office at Geneva addressed to the secretariat of the Commission on Human Rights (A/HRC/1/G/3). With respect to multiculturalism in Japanese society, his Government was actively pursuing the goal of ensuring equal rights and opportunities for aliens and promoting mutual understanding. Japan had also taken several initiatives to engage in dialogue among various civilizations, which his delegation had outlined in its statement before the plenary General Assembly under agenda item 44: Culture of peace.

20. **Mr. Cumberbatch Miguén** (Cuba) said that the item under consideration was of vital importance and highlighted the difficulties of coexistence. Paragraph 22 of the interim report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/61/335) referred to a number of activities and views with respect to persons of African descent in Latin America. His delegation would like to know the Special Rapporteur's views on the proposal submitted by the Caribbean Community (CARICOM) to commemorate in 2007 the two-hundredth anniversary of the abolition of the trans-Atlantic slave trade (A/61/233, annex II) and what activities might be organized to draw attention to the historical significance of that anniversary.

21. **Mr. Afifi** (Egypt) said that the interim report of the Special Rapporteur was straightforward and daring. The Egyptian delegation shared his vision, especially as expressed in paragraph 15 of the interim report, which rejected the claim that the crisis over the Danish caricatures of the Prophet Muhammad published in the Danish newspaper *Jyllands-Posten* on 30 September 2005 could be reduced to an insurmountable conflict between Western civilization and the Islamic world. His report on the situation of Muslim and Arab peoples in various parts of the world (E/CN.4/2006/17) also contained important recommendations on which the international community must work, especially on the issue of multiculturalism. He would like to know where the precise demarcation line existed between offences of racism and religious intolerance as well as freedom of expression and defamation of religion. The Special Rapporteur had clearly stated that many of those offences were committed in democratic societies, which meant that democracy alone was not sufficient to combat intolerance. There was a need for an educational, ethical and legal framework to address the issue.

22. **Mr. Alakhder** (Libyan Arab Jamahiriya) said that the presentation and interim report of the Special Rapporteur were transparent and comprehensive. His delegation welcomed the recommendations on the defamation of religions, anti-Semitism and Christianophobia and, more particularly, Islamophobia. He noted with concern the increasing incitement to religious hatred, including among the media, and attempts to undermine Islam, particularly among younger generations. He would therefore like to know what might be done to teach young people about the true nature of religions to prevent them from engaging in racism and xenophobia. He would also appreciate hearing the views of the Special Rapporteur on possible measures to address abuses by the media in the context of freedom of speech.

23. **Ms. Bowen** (Jamaica) said that the interim report of the Special Rapporteur was very timely. She drew attention to a draft resolution on the commemoration in 2007 of the two-hundredth anniversary of the abolition of the trans-Atlantic slave trade (document A/61/233, annex II) which CARICOM was submitting to the Assembly. Slavery had had a very serious impact on the lives of many in the Caribbean and elsewhere. The issue of compensation and apologies for that crime remained outstanding. She would therefore welcome any information on any efforts by countries responsible for that serious breach of human rights to redress the situation and compensate the victims.

24. **Mr. Diène** (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance) said that there had been a recent increase in racist and xenophobic violence. Racist murders were occurring in Europe, Africa and elsewhere and their perpetrators were claiming responsibility for them. There was a need to consider the ideological, political and cultural context of such persons and to explain the behaviour of perpetrators of hate crimes such as the one which had occurred in May 2006 in Belgium, where a woman of Malian origin and the child for whom she was caring had been shot dead. Before the perpetrator had gunned down the woman and the child, he had allegedly shot a woman of Turkish origin, leaving her critically injured.

25. One reason for such acts was the increasingly widespread acceptance of racism and racial and religious hatred. Racism, xenophobia and racial and religious hatred attracted votes. They underpinned political platforms in the guise of efforts to combat illegal immigration and terrorism. The negative effects of such platforms were compounded by what might be termed the democratization of racism, whereby extreme right parties in Government coalitions entered political office in many countries by democratic and legal means. In such countries, the leaders occupied strategically important positions such as the Ministry of Justice, which dealt with immigration issues, or the Ministry of Education, which affected ways of thinking. Not only were parties openly promoting racist, xenophobic or anti-religious platforms, they were in a position to translate those platforms into national legislation. He had therefore put forward recommendations to address that problem.

26. A second cause of increasing racism, xenophobia and religious intolerance was the rejection of diversity. The growing multicultural nature of societies everywhere, which was a dynamic driving force, was being strongly resisted by social groups and political officials who were clinging to a rigid sense of identity based on a single ethnicity or religion. Racism must be combated through the law and international instruments, particularly the Durban Declaration and Programme of Action. Those efforts, however, must also involve the long-term construction of multicultural, democratic, egalitarian and interactive

societies. It was therefore crucial to promote mutual understanding among various ethnic communities. Furthermore, the educational system and news media had a role to play in overcoming the profound ignorance about other communities.

27. Concerning the deep historical roots of racism, the concept of racism against blacks had arisen during the era of slavery. The notion of cultural and biological inferiority had been devised at that time to legitimize the sale of Africans as goods. By legitimizing that economic practice, European intellectuals and some Enlightenment figures had developed the idea of the ethnic and cultural inferiority of blacks and demonization of other civilizations. Therefore, as suggested by the Cuban delegation, attention must be given to the history of slavery. The draft resolution put forward by CARICOM was therefore welcome. He regretted that many African countries had not followed France's example and enacted legislation which declared slavery to be a crime against humanity. Such legislation was recognition that what had occurred to black slaves affected all of humanity.

28. The link between racism and religion was a serious problem. Since 11 September 2001, new forms of discrimination had arisen owing to the conflation of race, culture and religion. Victims of racist and xenophobic acts had been identified by their clothing, beards, veils, hairstyles and other external religious signs. Such religious intolerance was another form of deep-set rejection of diversity. Perhaps even more serious was that the world was witnessing such acts against the backdrop of a rise in what might be termed dogmatic secularism, which fostered suspicion of religious belief.

29. As the debate concerning the Danish caricatures had shown, ideological posturing must be avoided. The caricatures had demonized Islam and associated it with violence. Such a negative image of Muslims went far back in history, dating from the first years of contact between Islam and the West. Underlying the cartoons was a cold-war ideology and a caricatural and Manichean view of the world, in which Europe was the defender of freedom of expression and the rest of the world the defender of freedom of religion. The international covenants on human rights showed, however, that those freedoms were complementary.

30. The media were both the problem, as in the case of the Danish caricatures, and the solution. Every time the media combated discrimination and xenophobia, their efforts had been effective. Some news outlets had refused to reproduce the caricatures, because they were aware that they violated the freedom of religion of other communities. Dialogue among cultures and civilizations was a long-term response to racism and xenophobia. Given that all societies were multicultural, intercultural and inter-religious dialogue were above all internal matters. The way in which Governments treated immigrant populations, asylum-seekers and religious minorities sent a message to other countries about their respect for other religions.

31. The Russian Federation had been the site of violent racist acts. A fellow Senegalese had been killed in Saint Petersburg. A week before his arrival in the country, however, the perpetrators of the crime had been arrested, which meant that impunity among neo-Nazi and racist groups no longer existed. The elections in Antwerp had marked another positive development: an openly racist movement had been defeated at the polls, because the Belgian press had mobilized against extremism and immigrants had exercised their right to vote.

32. **Mr. Lauber** (Switzerland) said that his delegation welcomed the work and interim report of the Special Rapporteur, who had visited Switzerland in January 2006. His Government had seen only the preliminary note on his mission to Switzerland (E/CN.4/2006/16/Add.4) and was awaiting his final report to respond to his comments. He thanked the Special Rapporteur for his observations and analysis of the situation in Switzerland, where, as elsewhere, problems related to racism and xenophobia continued to exist. His Government was engaged in a wide range of activities to implement the Durban Programme of Action, whose importance it recognized fully, through, inter alia, the Service for Combating Racism of the Federal Department of the Interior and other authorities.

33. **Mr. Diène** (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance) commended the openness and full cooperation of the Swiss Government. He had been able to meet with all of the officials whom he had wished to see and to visit prisons to ascertain their demographic, cultural and ethnic composition. In his preliminary note, he had referred to the mechanisms to combat racism such as the Service mentioned by the representative of Switzerland. The men and women

working in such institutions were very committed to their work. At the same time, he had stressed the growing role in some political platforms of xenophobic rhetoric.

34. **Ms. Tincopa** (Peru) stressed that indigenous peoples were among those most vulnerable to racism. They had been discriminated against throughout history and experienced intolerance. Her delegation appreciated the positive steps taken to implement the Durban Declaration and Programme of Action and the adoption of other international instruments to protect the most vulnerable groups. She would like to hear the views of the Special Rapporteur on the Declaration on the Rights of Indigenous Peoples and on whether it would help to ensure the recognition of indigenous peoples and to combat discrimination, exclusion and intolerance.

35. **Mr. Diène** (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance) said that indigenous peoples had been the first victims of discrimination and racism. The extermination of the indigenous peoples in the western hemisphere had led to the creation of the African slave trade. The two phenomena were therefore linked. Furthermore, the intellectual arguments for xenophobia and racism had developed in relation to indigenous peoples. Europeans had debated whether such peoples possessed a soul or were real human beings. Racism against indigenous peoples, like racism against African slaves, had formed the foundation of the building of societies in the hemisphere. Therefore, a renewed and specific declaration on indigenous peoples would without a doubt be useful. The document, however, must be of a legal nature and underline the role of political will.

36. **Mr. Degia** (Barbados), referring to paragraph 22 of the Special Rapporteur's report (A/61/335), said that the situation related to African descendants not only in South America, but also in Central and North America and the entire Caribbean region. He stressed the importance of the draft resolution on the commemoration of the two-hundredth anniversary of the abolition of the trans-Atlantic slave trade, and asked the Special Rapporteur if he could comment on the issue of reparation, apology, redress and compensation, within the context of his mandate.

37. **Mr. Diène** (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance) said that reparation was a legitimate principle, as any negative act committed against a community or an individual created legal grounds for reparation. Just as slave owners had received financial and material reparation for the loss of their "working tool" when slavery had been abolished, so descendants of indigenous communities and African slaves were legally entitled to reparation for the injury committed against their ancestors.

38. The concept of reparation should extend beyond mere monetary compensation, which was difficult to calculate, and take into account the moral recognition that slavery was a crime against humanity, and the fact that the African slave trade affected all other communities, as recognized in the Durban Declaration and Programme of Action. Reparation should also entail the review and amendment of history textbooks worldwide, to take into account the tragedy of slavery, and a consequent update of historical, cultural and religious contributions. Accurate remembrance was more important than monetary compensation, as that would enable persons of every creed and colour to recover their shared history. Lastly, it was important to mark areas where slave trade had occurred, for example with monuments or cemeteries. He would stress those points in subsequent reports.

39. **Ms. Benavides** (Chairperson of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the rights of peoples to self-determination) introduced the Group's report (A/61/341), and stressed two elements in its new mandate: to monitor and highlight the effects of the activities of private companies offering military assistance, consultancy and security services on the international market on the enjoyment of human rights. The Working Group continued to advocate amending the International Convention against the Recruitment, Use, Financing and Training of Mercenaries to include a new definition of a mercenary and mercenarism, and strengthening the international legal framework for the prevention and sanctioning of the recruitment, use, financing and training of mercenaries. The Working Group continued in its consultations with a variety of actors on possible new standards, general guidelines or basic principles on those issues.

40. She reviewed information on the existence of links between the activities of private military and security companies (PMSCs) and groups of

mercenaries, highlighting the documented events that had taken place in various countries such as Equatorial Guinea and Papua New Guinea and the human rights violations allegedly perpetrated in the Abu Ghraib prison in Iraq. It had information that some refugee camps in West Africa had become centres of recruitment for mercenaries, specifically in the context of the conflict in Côte d'Ivoire. There was also a link between the activities of mercenaries and PMSCs and the exploitation of natural resources, which tended to perpetuate armed conflicts.

41. She noted the increasing phenomenon of outsourcing by States of their military and security functions to private companies, and was particularly concerned that some PMSCs were committing human rights violations with impunity. Such situations were often associated with the creation by transnational companies (TNCs) of satellite subsidiaries with legal personality in one country, providing services in another and recruiting personnel from third countries. However, PMSCs and their employees were a gray area not specifically covered by the 1989 Convention. That demonstrated the need for appropriate international and national regulation, control and monitoring of the activities of those security companies, including registration and licensing.

42. The Working Group welcomed the adoption of a Model Law of the Commonwealth of Independent States (CIS) on counteracting mercenarism, emerging legislation in South Africa, and an initiative by the Swiss Federal Council and the International Committee of the Red Cross (ICRC) to provide a legal framework and promote multilateral dialogue on the need to regulate the activities of PMSCs. She also emphasized the Working Group's preliminary recommendation for Governments to establish regulatory mechanisms for the registering and licensing of PMSCs.

43. In connection with the contracting of Latin American personnel to work in military operations in Iraq and Afghanistan, information received by the Working Group indicated irregularities of contracts, harsh working conditions, partial payment or non-payment of remuneration, ill-treatment and isolation, and lack of basic necessities such as medical treatment and sanitation.

44. The Working Group would provide a report on its visits to Honduras and Ecuador at the upcoming session of the Human Rights Council, and welcomed the invitation from Peru, which it would visit in early 2007. She called on other States to also extend such invitations.

45. She invited Member States which had not yet done so to consider signing and acceding to the 1989 Convention and to ensure relevant constitutional and legislative protection at the national level. She recommended the application of the draft Norms on the responsibilities of transnational corporations and other business enterprises with regard to human rights to PMSCs operating and providing military and security services in more than one country or as a cluster of economic entities operating in two or more countries. The Working Group had also noted the growing body of jurisprudence concerning the direct applicability of international law to private actors.

46. Following the recommendation of the former Special Rapporteur on mercenaries (A/60/263), she urged States to consider convening a high-level round table under the auspices of the United Nations, and in that regard welcomed the expressed willingness of Armenia, Costa Rica, Ghana, Honduras, Lebanon, Morocco, Mexico and Venezuela to host preparatory regional round tables. She welcomed the Cuba-sponsored draft decision that had been circulated during the second session of the Human Rights Council (A/HRC/2/L.19) and urged Member States to consider the possibility of the Working Group holding three sessions a year and to provide it with the necessary resources to that end.

47. **Ms. Moreira** (Ecuador) said that the phenomenon of the contracting of Latin American mercenaries was the consequence of globalization and the fight against terrorism, which flouted human rights standards and was based on unilateral measures. The mercenaries recruited from a number of countries in the fight against terrorism had irregular contract terms. Her Government was committed to strengthening its legislation in that regard, as recommended by the Working Group. She asked the Chairperson of the Working Group how Latin American countries could, as a region, strengthen their efforts to combat that new trend which impeded the rights of peoples to self-determination.

48. **Ms. Benavides** (Chairperson of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the rights of peoples to self-determination) stressed the

importance of expanding the mandate of the Working Group to include a study of the effects of the activities of PMSCs, especially given the growth of those companies in the past ten years.

49. Mercenarism had emerged mainly as a consequence of globalization and privatization. Member States should reflect on the monopolization of the use of force, the consequences of outsourcing to private companies and measures to make such companies accountable when they committed violations, with a view to establishing a legal framework for regulating activities not covered by the traditional definition of mercenarism. That definition needed updating. She reiterated the need for ratification of the 1989 International Convention against the Recruitment, Use, Financing and Training of Mercenaries and consideration of the possibility of amendments and of an optional protocol to take into account the new modalities of modern-day mercenarism. Lastly, Member States should have very clear domestic legislation for PMSCs to prevent human rights violations.

50. **Mr. Gala López** (Cuba) said that, as mercenary activities were increasing, so were violations of the rights of peoples to self-determination. In that connection, he reiterated his delegation's strong support for the mandate of the Working Group and for expanding it, as suggested. His delegation also endorsed the proposal for holding a high-level round table meeting. He asked the Chairperson of the Working Group what sub-themes, aside from that of the definition of mercenarism, should be priorities of that high-level meeting.

51. **Ms. Benavides** (Chairperson of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination) said that the Working Group had put forward a number of suggestions regarding issues to be discussed by the high-level policy round-table on the role of the State as holder of the monopoly on the use of force.

52. In addition to considering a legal definition of the terms "mercenary" and "mercenarism" and defining mercenary-related activities, the round table might examine the extent to which States were prepared and able to cede the monopoly on the use of force to non-State actors. In considering the implications of such action, it was important to define the responsibilities, obligations and limitations of non-State actors with regard to human rights, and to consider the situation of human rights violations in the context of globalization, nationalization of companies and transnational corporations, given that, as a result of globalization, some transnational corporations wielded even greater power than States and must therefore be regulated and monitored. The round table could also address issues relating to respect for national sovereignty.

53. The Working Group would work closely with the Special Rapporteur on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination and with other special rapporteurs to address those issues. It also hoped to continue and broaden its dialogue with all Member States. Consultations among States and with other actors would be extremely helpful in drawing conclusions, and many institutions, universities and academic centres were also helping the Working Group in its work. All viewpoints, suggestions, comments were welcome, since they would help shape the agenda for the round table.

54. The Working Group had asked the General Assembly to consider the possibility of allowing it to hold three sessions a year in order to address the issue in greater depth.

55. **The Chairman** invited the Committee to begin its general discussion of the agenda items.

56. **Mr. Maqungo** (South Africa), speaking on behalf of the Group of 77 and China, welcomed the reports of the Secretary-General on agenda item 65 and the useful information and recommendations they contained, and noted with satisfaction that Governments had taken major steps to combat racism, racial discrimination, xenophobia and related intolerance. However, it was regrettable that lack of political will to advance the objectives of the Durban Declaration and Programme of Action continued to hamper efforts to combat those phenomena effectively. Such political inaction was conducive to the emergence of dangerous political platforms that pandered to racist and xenophobic tendencies in national election manifestos. Implementation of the Durban Declaration and Programme of Action had thus given way to political expedience, resulting in a resurgence of racism in many parts of the world.

57. It was therefore vital to take prompt and decisive action to address the challenges posed by racism and

its attendant ills. To that end, the Group of 77 and China called for the adoption of a process to review the Durban Declaration and Programme of Action with a view to bringing the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance into line with other major United Nations conferences, focusing on present-day racism, xenophobia and related intolerance. It hoped that the General Assembly, at its current session, would adopt the mechanism proposed by the Group of 77 and China in its draft resolution under the agenda item.

58. The Group greatly appreciated the work of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and urged all Member States to cooperate closely with the Special Rapporteur.

59. It was of great concern that, in the wake of the events of 11 September 2001, Islam had come to be equated with terrorism, which had fuelled racial and religious intolerance in the form of discrimination and xenophobia against Muslim and Arab peoples. In the political climate that had emerged, intolerance had been allowed to masquerade as freedom of expression and human rights were being violated in the name of combating terrorism. The international community must make every effort to combat all forms of defamation of religion. While freedom of expression remained a valuable component of democratic society, its exercise should not infringe the rights of others.

60. It was deeply troubling that racism in sport persisted, particularly since sport was an important means of promoting social integration and friendly relations among nations. The Group of 77 and China endorsed the view that international sporting bodies should be encouraged to implement and expand programmes to combat racism in sport, particularly in football, and hoped that those programmes would be implemented promptly and with the full support of Governments. It also hoped that the Fédération Internationale de Football Association (FIFA) would continue its efforts to promote a world of sport free of racism and racial discrimination.

61. Regarding slavery, the slave trade and other forms of servitude, the Group of 77 and China supported the CARICOM proposal for a commemoration of the two-hundredth anniversary of the abolition of the trans-Atlantic slave trade.

62. The Group of 77 and China was fully committed to the implementation of the Durban Declaration and Programme of Action, and supported the outcomes and recommendations of the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action, the Working Group of experts on people of African descent and the Group of Independent Eminent Experts on the implementation of the Durban Declaration and Programme of Action.

63. Humankind could not allow racism, racial discrimination, xenophobia and related intolerance to continue unabated. The Group of 77 and China therefore called upon the international community to summon the political will to implement the Durban Declaration and Programme of Action fully and effectively.

64. **Ms. Lintonen** (Finland), speaking on behalf of the European Union, said that the acceding countries Bulgaria and Romania, the candidate countries Croatia, Turkey and the former Yugoslav Republic of Macedonia, the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia, and, in addition, the Republic of Moldova aligned themselves with her statement.

65. The fight against racism and racial discrimination formed part of both the internal and the external policy of the European Union, and any breach of the principles of equal rights, equal dignity and respect for diversity was incompatible with the Union's core values.

66. The European Union therefore called upon States that had not yet done so to ratify the International Convention on the Elimination of All Forms of Racial Discrimination, to implement its provisions as a matter of priority and to adopt effective measures at the national level to combat the causes and symptoms of racism and racial discrimination. It also urged all States to cooperate fully with and support the Committee on the Elimination of Racial Discrimination, the Office of the High Commissioner for Human Rights and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance in their valuable work towards eliminating racism at the global level.

67. Attacks and assaults resulting from intolerance based on cultural, ethnic or religious diversity were wholly unacceptable. The European Union was

committed to eliminating racial discrimination both in society and in politics and to promoting respect for human rights and fundamental freedoms.

68. The European Union welcomed the adoption of the Declaration on the Rights of Indigenous Peoples, and urged Governments and indigenous peoples to work closely to achieve the objectives set out in that document.

69. Counter-terrorism presented new challenges in ensuring respect for human rights, the rule of law and democratic principles. In particular, it was vital to ensure that counter-terrorist policies did not associate certain sectors of society with terrorism, which served only to create suspicion, mistrust and hostility. Efforts to eliminate those tensions called for global understanding and cooperation, and the fight against terrorism must be conducted in full compliance with international human rights law, including international standards relating to non-discrimination.

70. The European Union was deeply concerned by continuing intolerance and violence directed against members of religious communities around the world, and condemned all forms of intolerance and discrimination based on religion or belief. In that regard, it urged States to ensure that their constitutional and legislative systems provided adequate and effective guarantees of freedom of thought, conscience, religion and belief.

71. It was vital to integrate a gender perspective into the development of policies against racism in order to ensure that those policies addressed the diverse situations of women and men effectively. In that regard, the European Union hoped that the proposed European Institute for Gender Equality would be established as soon as possible.

72. Prevention, education and awareness were key tools in promoting tolerance and respect for diversity, human dignity and human rights, and effective political measures could prevent the spread of racist ideologies. In that regard, it was important to prevent the misuse of the media to disseminate racist messages.

73. The European Union was implementing various measures at the Union level and at the level of its member States to combat racism, racial discrimination, xenophobia and related intolerance. The Union's core activities in 2007, which had been declared the European Year of Equal Opportunities for All, would be based on the themes of rights, representation, recognition and respect. The main objective of those activities was to launch a major debate on the benefits of diversity and to raise awareness regarding rights to equal treatment and a life free of discrimination, not only among the general public but among individuals and groups that were the targets or potential targets of discrimination. Hundreds of activities, including campaigns, surveys and conferences, were planned at both the European Union and the national levels. It was hoped that those events and activities would enhance mutual understanding, tolerance and respect through active participation in events organized by individuals, groups, civil society organizations and national authorities, and encourage the Governments of European Union member States to draw up national legislation on measures to strengthen efficiency in combating racism, racial discrimination, xenophobia and related intolerance.

74. The European Union welcomed the valuable work of the European Monitoring Centre on Racism and Xenophobia, and hoped that the Centre would develop its activities further.

75. The European Union was engaged in active, valuable and effective cooperation with regional institutions and organizations in the fight against racism and discrimination, including the Organization for Security and Cooperation in Europe and the Council of Europe. Dialogue, understanding and cooperation among all actors could free societies from intolerance and discrimination and help foster the promotion of human rights, dignity and equality. The European Union therefore urged all States to redouble their joint efforts to promote tolerance and non-discrimination, a challenge that the international community must address together.

76. **Mr. Chidyausiku** (Zimbabwe), speaking on behalf of the Southern African Development Community (SADC), associated the Community with the statement made by the representative of South Africa on behalf of the Group of 77 and China.

77. The recommendations set forth in the reports of the Secretary-General on the agenda item provided a useful basis for progress in the fight against racism, racial discrimination, xenophobia and related intolerance.

78. The member States of SADC had drawn many lessons from the experience of enduring, fighting and

defeating apartheid, and were determined to address all remaining vestiges of racism, as well as contemporary forms of the phenomenon. While, to that end, they had instituted laws against racism and racial discrimination, they recognized that legal provisions alone did not provide adequate or comprehensive solutions. The elimination of racism must entail equitable distribution of economic, social and cultural resources in order to ensure social justice and equality and to promote equality of opportunities.

79. While the target of universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination by 2005 had not been achieved, SADC remained hopeful that more countries would ratify the Convention, of which the majority of its member States were signatories.

80. SADC noted with satisfaction that a number of countries had developed action plans to combat racism in accordance with the Durban Declaration and Platform for Action, and hoped that many more would do likewise. It also welcomed the adoption by the Working Group of experts on people of African descent of a three-year programme of work, and the development by the Working Group of mechanisms for the implementation of its mandate. However, it was worrying that the Working Group remained underfunded, and urged that efforts be undertaken to rectify that situation. It was also regrettable that the Group of Independent Eminent Experts on the implementation of the Durban Declaration and Programme of Action had not met during the reporting period, and SADC hoped that that would not hinder progress in the implementation of the Durban Declaration and Programme of Action.

81. SADC fully supported the proposal to commemorate the two-hundredth anniversary of the abolition of the trans-Atlantic slave trade and to place that issue on the agenda of the General Assembly at its sixty-first session.

82. The resurgence of racism, racial discrimination and xenophobia and numerous emerging reports of racial profiling were deeply troubling. The use of race to influence police, immigration, airport security and other procedures constituted a serious violation of human rights and could not be justified under any pretext. Governments should do more than simply enacting legislation in order to provide satisfactory and consistent protection against profiling, and should demonstrate firm political will to combat such profiling and all other forms of racism.

83. SADC deplored the continuing manifestations of racism in sport, and commended the efforts undertaken by the Fédération Internationale de Football Association (FIFA) to combat that phenomenon. In that regard, it supported the recommendation of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance that FIFA should implement and expand programmes to eliminate racism, and hoped that other sporting bodies would do likewise.

84. SADC was convinced that implementation of the Durban Declaration and Programme of Action would help to create a world free of racism and racial discrimination, and therefore joined calls for the adoption by the General Assembly of a process to review that instrument.

85. **Mr. Ali** (Sudan) said that racism and xenophobia were on the rise and called for redoubled efforts to implement the Durban Declaration and Programme of Action. Discrimination against refugees and migrant workers was also increasing despite international efforts to improve their human rights situation. To make matters worse, groups advocating racism were using modern means of communication such as the Internet to disseminate their despicable ideas.

86. His country agreed with the African Union that the right of self-determination applied only to peoples who had suffered from imperialism or foreign occupation. Incorrect interpretations of that right were a great threat to regional and international peace and stability, and the Sudan was committed to ensuring that the right of self-determination was not used as a pretext for interfering in the internal affairs of States or infringing their sovereignty. His delegation called for attention to be paid to the suffering of the Palestinian people under Israeli occupation and for implementation of United Nations resolutions calling for an independent State in Palestine with Jerusalem as its capital.

The meeting rose at 1 p.m.